



US Army Corps
of Engineers.

Nashville District

Public Notice

Public Notice No. 05-66

Date: August 17, 2005

Application No. 2005-01553

Please address all comments to:

Nashville District Corps of Engineers, Regulatory Branch

(Attn: David Baldrige)

3701 Bell Road, Nashville, TN 37214

David.e.baldrige@lrm02.usace.army.mil

PUBLIC NOTICE

US ARMY CORPS OF ENGINEERS

SUBJECT: Proposed Discharge of Fill Material Associated with Stream Channel Encapsulation for the Construction of a Commercial Development on Two Unnamed Tributaries of Mill Creek at Mile 2.5, Right Bank, Wilson County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 404 of the Clean Water Act (CWA)**. Before a permit can be issued, certification must be provided by the Tennessee Department of Environment & Conservation, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards would not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: **Aspen Nashland LLC**
5110 Maryland Way, Suite 330
Brentwood, TN 37027

LOCATION: Mile 1.0 of Two Unnamed Tributaries to Mill Creek at Mile 2.5 Right Bank. 0.2 Miles West of the Nashville International Airport at the junction of Interstate 40 and Briley Parkway, Davidson County, Tennessee, Nashville East USGS Quad Map; Latitude N36°8'33.72", Longitude W86°42'4.89".

DESCRIPTION: The proposed action is the encapsulation of 417 linear feet of Stream 1 and 76 linear feet stream 2. Rock fill would then be placed on top of the encapsulated streams to achieve a suitable building surface. The streams are tributaries of Mill Creek. (see attached)

The existing streams have been impacted by past commercial development and highway construction.

The applicant proposes to mitigate for the proposed 493 linear feet of stream impacts by payment into the Tennessee Stream Mitigation Program (TSMP).

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

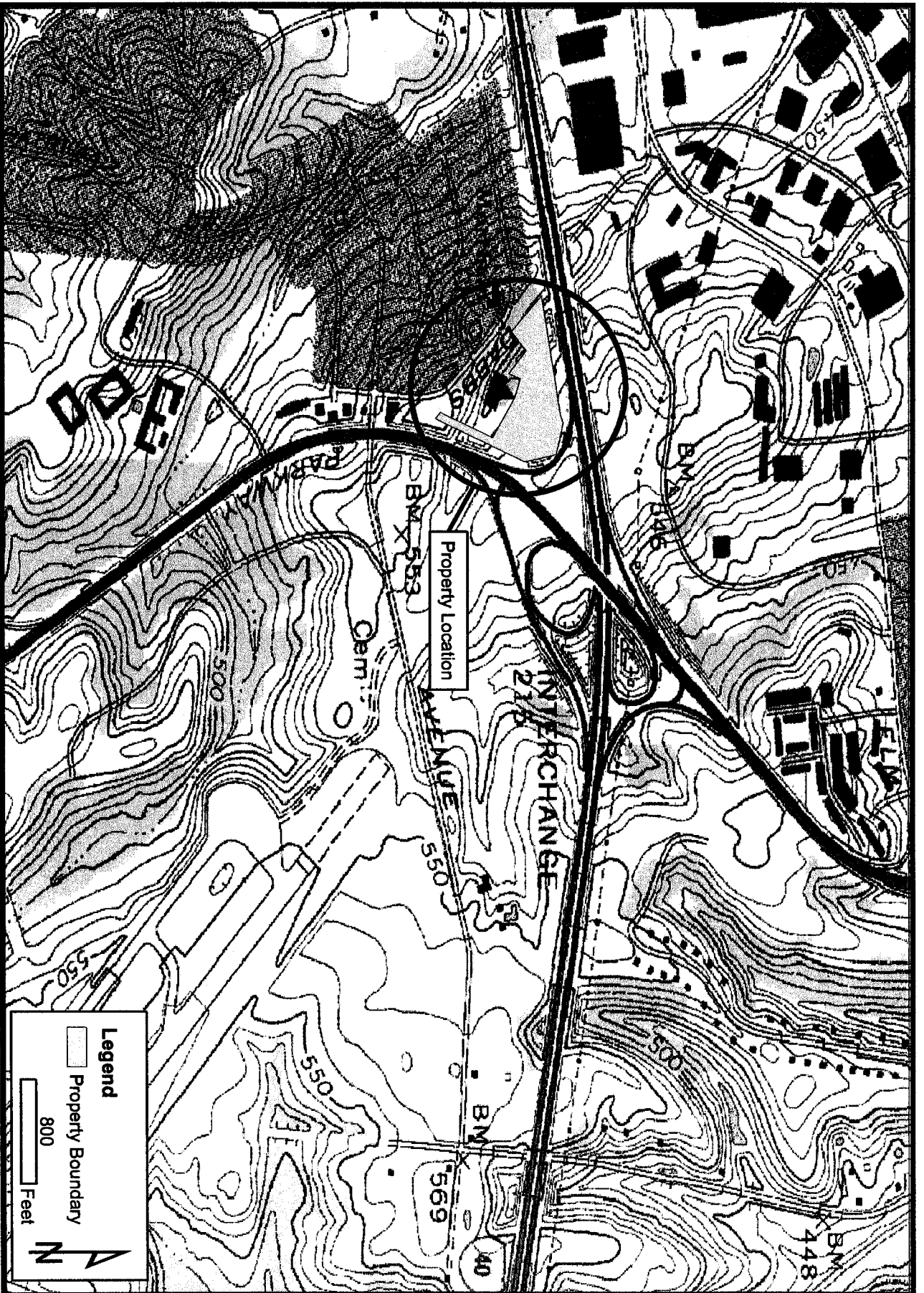
An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

Other federal, state, and/or local approvals required for the proposed work are as follows:

Water quality certification from the state of Tennessee Department of Environmental Conservation (TDEC) in accordance with Section 401(a)(1) of the CWA.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

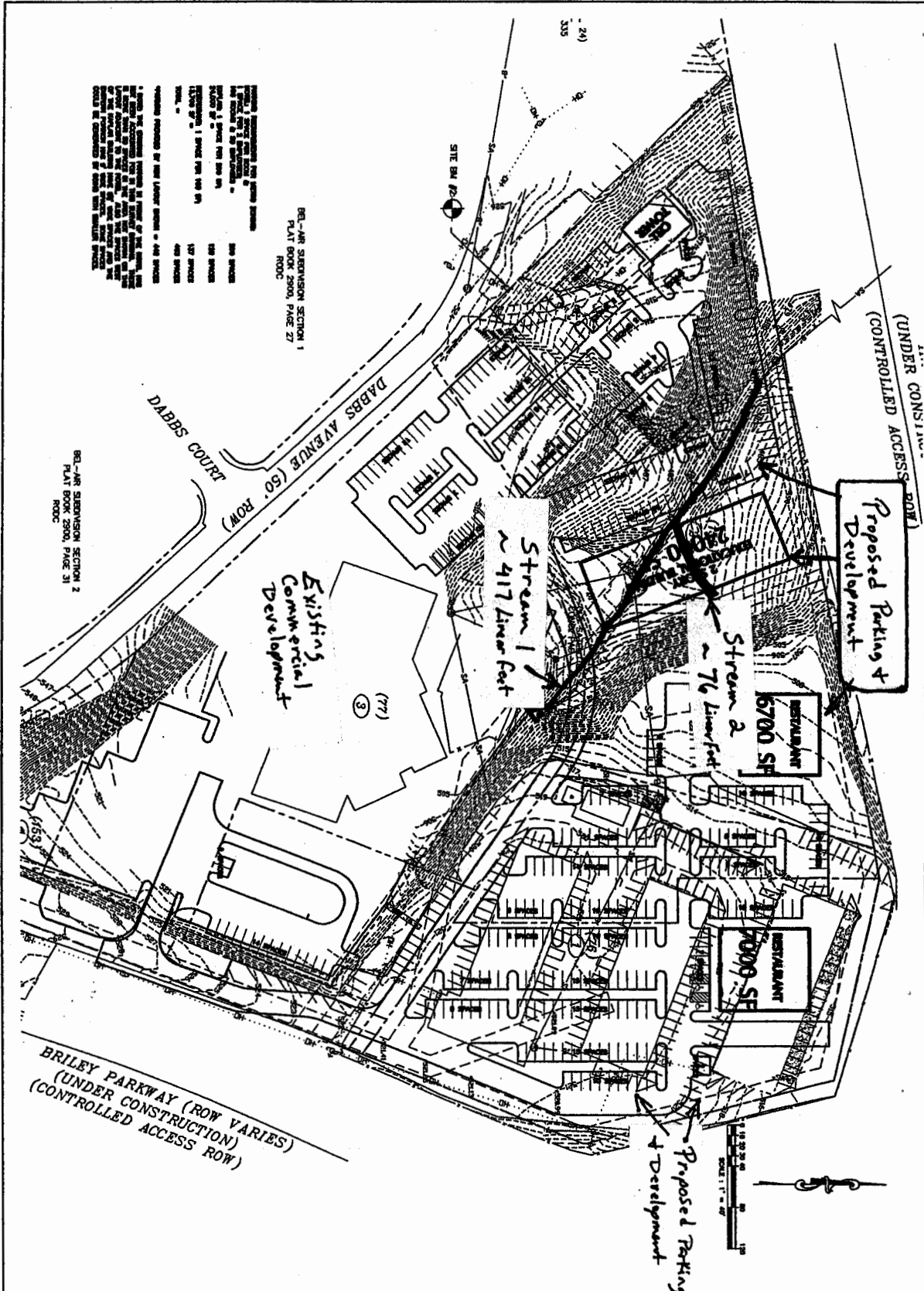
Written statements received in this office on or before September 17, 2005, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: David Baldridge, at the above address, telephone (615) 369-7521.



BDY Breedlove, Dennis, Young & Associates, Inc.
133 Holiday Court / Suite 210 Franklin, Tennessee 37067 P: 615.599.1996 F: 615.599.1998

Figure 1. Topographic map of Aspen Nashland LLC site located at the junction of Briley Parkway and I-40 near the Nashville International Airport in Metropolitan Nashville, Davidson County, Tennessee shown on the 7.5 minute Nashville East USGS Quadrangle.

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<p>C10</p> <p>CONCEPTUAL LAYOUT</p>	<p>DATE: 6/27/05</p> <p>BY: [Signature]</p>	<p>PRELIMINARY</p>	<p>ASPHEN</p> <p>7110 Birchwood Way, Suite 100</p> <p>Northridge, CA 91321</p> <p>818-358-3121</p>	<p>KAPLAN SCHOOL</p>	<p>LITTLEJOHN ENGINEERING ASSOCIATES</p> <p>10000 N. 10th Street, Suite 100</p> <p>Phoenix, AZ 85020</p> <p>602-998-1111</p>
	<p>PROJECT: KAPLAN SCHOOL</p> <p>LOCATION: 10000 N. 10th Street, Suite 100, Phoenix, AZ 85020</p> <p>DATE: 6/27/05</p> <p>BY: [Signature]</p>				